

labeled to convey the impression that it was imported Italian olive oil. The cans containing the article failed to bear on the label a proper declaration of the quantity of the contents.

On October 25, 1934, the United States attorney for the District of Columbia, acting upon a report by the Secretary of Agriculture, filed in the Supreme Court of the District of Columbia, holding a district court, a libel praying seizure and condemnation of 197 cans of salad oil at Washington, D. C., alleging that the article was being sold and offered for sale in the District of Columbia in possession of A. Litteri, Inc., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Olio Doppia Stella * * * A Blend Finest Vegetable Oil with Pure Olive Oil Contents 1 Gallon more or less * * * Packed by Italian Food Products Corp. of America Trenton, U. S. A. Palermo, Italy."

The article was alleged to be misbranded in that the prominent and unqualified word "Olio", the Italian words "Doppia Stella", and the statements "Double Star Brand Is The Highest Grade Of Oil Combining All * * * Qualities of Olive Oil" and "Packed by Italian Food Products Corp. of America * * * Palermo, Italy", appearing on the label, were misleading and tended to deceive and mislead the purchaser since they created the impression that the article was imported olive oil; whereas it was domestic cottonseed oil containing little or no olive oil. Misbranding was alleged for the further reason that the article purported to be imported Italian olive oil when not so, and for the further reason that it was food in package form and failed to bear a plain statement of the quantity of the contents since the statement "Contents 1 Gallon more or less" is not a plain statement of the contents of the container.

On January 8, 1935, the Italian Food Products Corporation of America, Inc., having appeared as claimant and having consented to the entry of a decree, judgment of condemnation was entered and it was ordered that the product be released under bond, conditioned that it be relabeled so as to conform to the requirements of the Federal Food and Drugs Act.

M. L. WILSON, *Acting Secretary of Agriculture.*

24258. Misbranding of salad oil. U. S. v. 223 Cans of Salad Oil. Consent decree of condemnation. Product released under bond to be repacked and relabeled. (F. & D. no. 34184. Sample no. 17075-B.)

This case involved a product consisting of domestic cottonseed oil which was labeled to convey the impression that it was imported olive oil. Sample cans taken from the lot were found to be short volume.

On October 25, 1934, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 223 cans of salad oil at Newark, N. J., alleging that the article had been shipped in interstate commerce on or about September 12, 1934, by the Korbros Oil Corporation, from Brooklyn, N. Y., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Oil Silver Star Brand Recommended for the Italian Trade * * * Net Contents One Gallon Korbros Oil Corp. Brooklyn, N. Y."

The article was alleged to be misbranded in that the word "Oil", together with the statement, "Recommended for the Italian Trade", the vignette of a woman in foreign costume, presumably Italian, and the Italian landscape in background, appearing on the label, were misleading and tended to deceive and mislead the purchaser, since they created the impression that the product was imported olive oil; whereas it consisted of domestic cottonseed oil, and this impression was not corrected by the statements on the label, "Pure Salad Oil" and "Pure Vegetable Oil", since these terms are applicable to imported olive oil. Misbranding was alleged for the further reason that the article purported to be a foreign product when not so; for the further reason that the statement on the label, "Net Contents One Gallon", was false and misleading and tended to deceive and mislead the purchaser, since the cans were short of the declared volume; and for the further reason that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package since the statement made was incorrect.

On January 29, 1935, the Korbros Oil Corporation, claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation was entered and it was ordered that the product be released under bond, conditioned that it be repacked in properly labeled containers.

M. L. WILSON, *Acting Secretary of Agriculture.*